

RICHARD J. HAYES, JR.
ATTORNEY AT LAW
27 WATER'S EDGE DRIVE
LINCOLNVILLE, MAINE 04849
PRACTICE LIMITED TO MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

ADMITTED IN GEORGIA
E-MAIL: fcclaw@rjhayes.com

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FCC Mail Room

TELEPHONE (207) 236-3333
FACSIMILE (202) 478-0048

March 14, 2012

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, D.C. 20554

RE: Petition to Amend the FM Table of Allotments
China Lake, California
Randsburg, California
Sound Enterprises, Inc., Petitioner

Dear Ms. Dortch:

Transmitted herewith, on behalf of Sound Enterprises, through counsel, is an original and six (6) copies of a "Petition to Amend the FM Table of Allotments" (47 C.F.R. 73.202(b)).

Sound Enterprises requests Commission consideration of its petition to upgrade the facilities of KSSI(FM) China Lake, California from class A to class B1 status. To accomplish this upgrade, the Petitioner seeks to change the allotment for a new FM at Randsburg, California.

Sound Enterprises is concurrently submitting an application for one-step upgrade for KSSI(FM), China Lake, California. At the suggestion of the Commission's staff, the Petitioner requests that this Petition for Rule Making and the concurrently filed one-step upgrade application be considered as contingent applications.

Should any questions arise concerning this matter, please contact the undersigned, directly.

Respectfully submitted,



Richard J. Hayes, Jr.
Counsel to
Sound Enterprises

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554**

Received & Inspected

MAR 19 2012

FCC Mail Room

IN THE MATTER OF:

**AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS
FM BROADCAST STATIONS
CHINA LAKE, CA
RANDSBURG, CA**

**BC DOCKET NO:
RM NO:**

TO: CHIEF, ALLOCATIONS BRANCH

PETITION FOR RULE MAKING

COMES NOW, Sound Enterprises ("SE"), licensee of FM station KSSI, China Lake, California, through counsel, and pursuant to the provisions of Section 1.401 of the Commission's Rules (47 C.F.R.1.401) requesting that the Table of Allotments in Section 73.202(b) of the Federal Communications Commission's Rules and Regulations be amended.

Sound Enterprises hereby requests that the FM Table of Allotments in Section 73.202(b) be amended to accommodate an upgrade of the facilities of KSSI(FM), China Lake, California. To accommodate this upgrade request, SE requests that the allotment for Randsburg, California be changed from channel 271A to channel 275A.

SE requests that the FM Table of Allotments be amended as follows:

Location	Present	Proposed
China Lake, CA	274A	271B1
Randsburg, CA	271A	275A

There are compelling, public interest justifications for granting this rule making, and in support thereof, the following is shown:

A. BACKGROUND INFORMATION

The purpose of this request is to provide a much needed, upgraded FM broadcast service to the community of China Lake, California. KSSI(FM) currently is licensed as a Class A FM facility (Channel 274A) and is the only commercial FM station serving the community of China Lake. SE seeks to upgrade KSSI(FM) to class B1 status on Channel 271. To accommodate the upgrade of KSSI(FM), the petitioner requests that the allocation for a new FM facility at Randsburg, California be changed from Channel 271A to Channel 275A. The Randsburg allocation has not yet been scheduled for auction. If the channel for the Randsburg allocation is changed from 271A to Channel 275A, the same site coordinates may be used for the Randsburg allocation.

B. EFFICIENT USE OF SPECTRUM

This proposed amendment to the FM Table of Allotments would further the Commission's goal of providing a more efficient use of the FM Spectrum by providing upgraded local FM broadcast service at China Lake, California while preserving the potential for new FM service at Randsburg, California. As noted, the Randsburg allocation has not yet been scheduled for auction. Changing the channel for the Randsburg allocation would have no affect on the potential for service to the community of Randsburg because Channel 275A can be allotted to Randsburg using the same site coordinates as Channel 271A. It is a substitute, equivalent channel. Accordingly, there would be no change in the number of persons proposed to be served by the Randsburg facility. This proposed amendment to Section 73.202(b) of the Commission's Rules to upgrade KSSI(FM) would result in a more powerful service to the residents of the China Lake community without jeopardizing the potential for service at Randsburg. As noted in the attached engineering exhibits, an upgrade at KSSI(FM) would result in an increase in population served from 33,818 persons within the 60 dBu to 49,598 persons according to the 2010 US Census. There would be no change in the proposed population or area to be covered by the Randsburg allocation. No other person or community has expressed any interest in these channels at either China Lake or Randsburg.

C. Substantial Area to Receive Additional Service

Petitioner's engineering exhibit provides a detailed search of the affected portions of the FM band in China Lake and Randsburg. The study concludes that Channel 271B1 would provide city-grade coverage to China Lake, California and substantially improve the area and population to be covered by KSSI(FM). Channel 275A is an equivalent substitute for Channel 271A at Randsburg. Both channels may be allotted, consistent with the mileage separation and city-grade service requirements of the Commission's Rules. The consideration of all factors shows that this proposal can be accommodated and that Channel 271B1 can be allotted to China Lake and Channel 275A can be allotted to Randsburg without jeopardizing any other community or facility. No community would lose any present or potential service and a substantial area of new service would be added at China Lake if these proposed amendments are granted.

D. PETITIONER'S INTENTION TO APPLY FOR CHANNEL 271B1

SE has concurrently filed an application for upgraded operational authority at China Lake, California, at the suggestion of the Commission's staff. This petition and that application (FCC Form 301) should be considered as contingent applications. If these proposed changes are implemented by the Commission, the Petitioner intends, pursuant to the Rules of the Commission, to promptly construct the facility. Financially, the Petitioner is qualified to construct and operate the facility sought.

E. SUMMARY

No community will lose any present or proposed service as a result of a grant of this "Petition for Rule Making" and a substantial area of new service will be added. If granted, this Petition to Amend the FM Table of Allotments would provide for efficient utilization of both Commission and spectrum resources. Therefore, Petitioner requests that the FM Table of Allotments (Section 73.202(b)) be amended to allot FM Channel 271B1 at China Lake and Channel 275A to Randsburg.

**SOUND ENTERPRISES
PETITION FOR RULE MAKING
PAGE FOUR**

Respectfully submitted,

SOUND ENTERPRISES

A handwritten signature in black ink that reads "Rick Hayes". The signature is written in a cursive, flowing style.

Richard J. Hayes, Jr.
Its Attorney

Richard J. Hayes, Jr.
Attorney at Law
27 Water's Edge Drive
Lincolntonville, Maine 04849

207-236-3333
fcclaw@rjhayes.com

Date: March 12, 2012

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554**

IN THE MATTER OF:

**AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS
FM BROADCAST STATIONS
CHINA LAKE, CA
RANDSBURG, CA**

**BC DOCKET NO:
RM NO:**

NOTICE OF PROPOSED RULE MAKING

Adopted:

Released:

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the Petition for Rule Making submitted by Sound Enterprises ("SE") requesting the allotment of Channel 271B1 at China Lake, California as an upgrade to its presently allotted Channel 274A. To accommodate this upgrade at China Lake, SE proposes to change the channel of allotted but not yet applied-for FM service at Randsburg, California from Channel 271A to Channel 275A.

2. Channels 271B1 at China Lake and Channel 275A at Randsburg can be allotted in compliance with the Commission's minimum distance separation requirements as evidenced in the attached engineering statement. Petitioner states that the public interest would benefit from the allotment of this channel as it would provide China Lake with greatly expanded FM broadcast service.

3. In order to effectuate this proposal, the Commission proposes to amend the Table of Allotments, Section 73.202(b) of the Commission's Rules with respect to the following community:

	Present	Proposed
China Lake, CA	274A	271B1
Randsburg, CA	271A	275A

4. The Commission's authority to institute rule making proceedings, showings required, cutoff procedures, and filing guidelines are incorporated by reference, herein. NOTE: A showing of continuing interest is required by Paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before, and reply comments on or before, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the Petitioner, as follows:

Notice of Proposed Rule Making
Page Two

Richard J. Hayes, Jr., Esquire
27 Water's Edge Drive
Lincolntonville, ME 04849
Counsel to Sound Enterprises, Inc.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, Section 73.202(b), of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact the Mass Media Bureau (202) 418-2710. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An ex parte contact is a message (spoken or written) officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Chief, Policy and Rules Division
Mass Media Bureau

Technical Portion
Petition for Rule Making
China Lake, California
April 2011

This Technical Portion of the Petition for Rule Making is being compiled on behalf of Sound Enterprises, licensee of KSSI (FM), China Lake, California. KSSI currently operates on Channel 274A but wishes to increase to Class B1 on Channel 271. This desired move is within three channels of the presently allocated Channel 274 and therefore the Class B1 will be reserved for KSSI.

In order to accomplish this Class B1 upgrade, it will be necessary to make a substitution in the allocation of Channel 271 at Randsburg, California. This is an allocation that has yet to be auctioned. Channel 275 is usable at the same allocation site as the current Randsburg allocation. On Channel 275A all allocation requirements are met or exceeded for the Randsburg station. Since there is no Randsburg site change, no further demonstration of coverage of the city of license is being made. A Randsburg Allocation Study is included in these Technical Comments.

Allocation Coordinates
Channel 271 B1

35 39 06 North Latitude
117 40 58 West Longitude

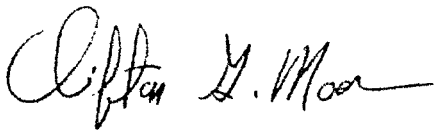
Enclosed is a map showing uniform terrain coverage from the Class B1 allocation site. The proposed B1 allocation serves all of China Lake with the 70 dBu signal without terrain blockage.

A point of public interest is the increase of coverage of the expanded allocation. The present licensed KSSI 60 dBu covers 33,818 persons. The uniform terrain 60 dBu signal from the hypothetical allocation site covers 37, 196 persons. The KSSI B1 concurrently filed Form 301-FM Application serves 49,598 persons in the 60 dBu. Population was taken from the 2010 Census for the United States.

Proposal

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
China Lake, CA	274A	271B1
Randsburg, CA	271A	275A

All information contained herein is thought to be accurate to the knowledge of the undersigned:



April 28, 2011

Clifton G. Moor, Bromo Communications, Inc.
Technical Consultant to Sound Enterprises

Channel 271 B1 Allocation Study China Lake, California

Sound Enterprises

REFERENCE
35 39 06.0 N.
117 40 58.0 W.

CLASS = B1 Int = B1
Current Spacings to 3rd Adj.

DISPLAY DATES
DATA 04-21-11
SEARCH 04-22-11

----- Channel 271 - 102.1 MHz -----							
Call	Channel	Location		Azi	Dist	FCC	Margin
KSSI (1) LIC	274A	China Lake	CA	0.0	0.0	47.5	-47.5
AL2393(2) VAC	271A	Randsburg	CA	175.7	31.5	142.5	-111.0
KSCA LIC	270B	Glendale	CA	192.4	162.1	144.5	17.7
KCNQ LIC	273A	Kernville	CA	267.5	68.5	47.5	21.0
KZPE CP	271A	Ford City	CA	245.2	170.0	142.5	27.5
KGFM LIC	268B	Bakersfield	CA	256.4	98.7	70.5	28.2
AU9162189 VAC	272C3	Pahrump	NV	65.8	161.6	113.5	48.1
KZXY-FM LIC-D	272A	Apple Valley	CA	161.7	144.9	95.5	49.4

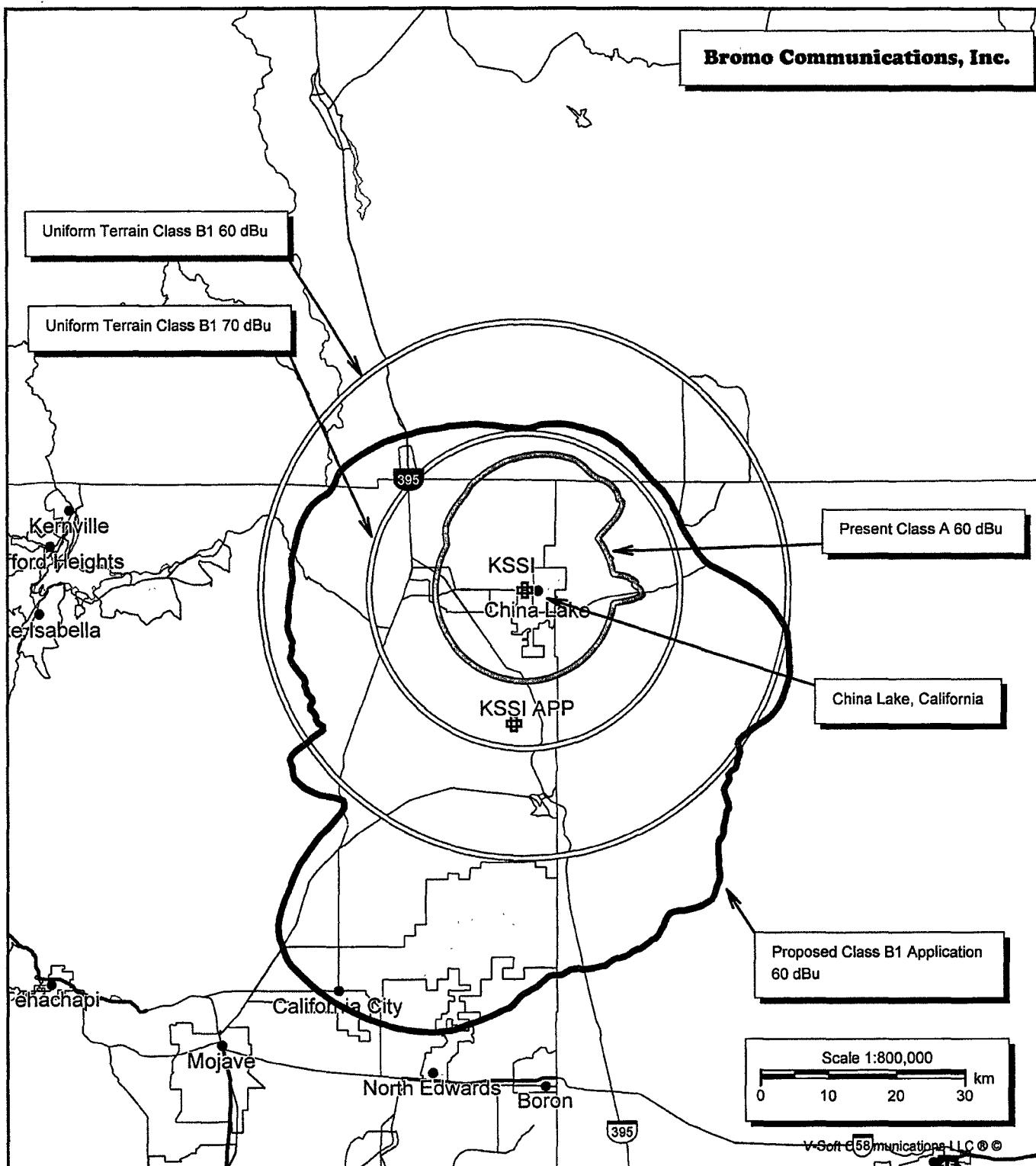
- (1) KSSI Traditional Class A Channel
- (2) Traditional Randsburg allotment channel. This Rule Making proposes the Randsburg, CA allocation be changed to Channel 275A.

Randsburg, CA New Allocation Channel 275 A

REFERENCE	CLASS = A Int = B1	DISPLAY DATES
35 22 06.0 N.	Current Spacings to 3rd Adj.	DATA 04-21-11
117 39 25.0 W.	Channel 275 - 102.9 MHz	SEARCH 04-22-11

Call	Channel	Location	Azi	Dist	FCC	Margin	
KSSI (1) LIC	274A	China Lake	CA	355.8	31.5	71.5	-40.0
KSRV LIC	276A	Tehachapi	CA	243.4	72.5	71.5	1.0
KVFG LIC-D	276A	Victorville	CA	158.3	90.3	71.5	18.8
KIIS-FM LIC-D	274B	Los Angeles	CA	196.5	132.1	112.5	19.6
R10990 ADD	276C	Amargosa Valley	NV	45.5	195.2	164.5	30.7
KIWI LIC-N	275B1	Mcfarland	CA	269.0	186.5	142.5	44.0
KCNQ LIC	273A	Kernville	CA	292.0	76.3	30.5	45.8
KURR CP	276C	Indian Springs	NV	47.3	210.6	164.5	46.1

(1) This Rule Making requests KSSI be moved to Channel 271 B1.



**KSSI Class B1 Upgrade
Uniform Terrain Coverage
China Lake, California**

Bromo Communications, Inc.

April 2011

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554**

IN THE MATTER OF:

**AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS
FM BROADCAST STATIONS
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